

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 137 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RUKSANABANU S THAKORE

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

MRS SIDDHI TALATI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/10/97

ORAL JUDGMENT

#. The matter was called out for hearing in the first round, then in the second round in the first sitting and lastly in the third round, in the second sitting but none put appearance on behalf of the petitioner. Perused the Special Civil Application and heard learned counsel for respondents.

#. Challenge has been made by the petitioner by this Special Civil Application to the order dated 29th December 1984, under which the petitioner was ordered to be terminated from services and Smt.Jeeravatiben G. Vasava was ordered to be appointed as administratrix of Anganvadi of Dhansera.

#. The petitioner was appointed on purely temporary basis as administratrix of Anganvadi of Dhansera in place of Smt.Jeeravatiben G. Vasava, who was dismissed from services. Under the order dated 29th December 1984, Smt.Jeeravatiben G. Vasava was ordered to be reinstated and as there was only one post, the petitioner's services have to be dispensed with. The petitioner was given only purely temporary appointment in place of Smt.Jeeravatiben, who was dismissed from services and when she was ordered to be reinstated back in services, the respondent had no other option except to terminate the services of the petitioner. The consequence of setting aside the aforesaid order will result in setting aside the reinstatement of Smt.Jeeravatiben. The petitioner has very conveniently not impleaded that lady as a party to this petition. Smt.Jeeravatiben was necessary party to this petition and in her absence, the relief of the nature as prayed for by the petitioner cannot be granted.

#. Taking into consideration the totality of the facts of this case, I do not find any substance in this Special Civil Application. The petitioner has also not produced on record of this Special Civil Application her appointment order. However, if we go by the order dated 29th December 1984, it is not in dispute that she was given appointment purely on temporary basis. So otherwise also, she has no right to continue on the said post.

#. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief granted by this Court stands vacate. No order as to costs.

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(sunil)

